REMARKS

The Official Action of February 27, 2004 has been carefully considered and reconsideration of the application as amended is respectfully requested.

The courtesy of Examiner Curtis in discussing this application with the undersigned in a telephone interview on June 30, 2004 is gratefully acknowledged. Applicants have not yet received an Interview Summary and respectfully request that the same be provided as soon as possible. In any event, Applicants set forth below the substance of the interview in connection with their response to the aforementioned Official Action.

First, Applicants respectfully note that the Official Action of February 27, 2004 did not separately address and examine the patentability of claims 14-18, which claims were added by the Amendment filed November 10, 1993. In the interview, the Examiner apologized for this oversight and courteously advised that, if the present response does not overcome the rejections of record, a further action in this matter would not be made final.

Prior to the interview, Applicants presented to the Examiner a Proposal for Interview, which included proposed new claims 19-22 and a revised informal version of Figure 3 of the drawings showing the optical paths of the component signals. The new claims and claims 14-18 were discussed with the Examiner in the interview in

connection with the prior art of record, as explained next.

Claims 1-5 and 7-18 stand rejected under 35 USC 102(b) as allegedly being anticipated by Kurata et al. In the interview, Applicants pointed out to the Examiner that the cited reference, Kurata, teaches the need to create a spatial separation in the polarization states of the light signals passing through the plurality of birefringent elements described therein and thereby teaches away from a system wherein the optical signals are not spatially separated when exiting the birefringent element. Applicants pointed out that (a) claims 14-18 presently on file take advantage of this distinction by reciting that the orthogonal polarization component signals are not displaced with respect to one another, and (b) proposed claims 19-22 take advantage of this distinction by reciting that the rotated polarization component signals follow the same path as the orthogonal polarization component signals or that the rotated signal and the incoming signal are coincident.

The Examiner acknowledged that there is a difference between the system described in the present application and what is described in the reference, but raised the following concerns:

(a) with respect to claims 14-18, the Examiner voiced the opinion that the (informal) revised Fig. 3 submitted with the Proposal for Interview shows that the lens 14 does effect at least some displacement between the signals (i.e., the lines are not parallel) such that the recitation that this component has no affect on a displacement of the signals with respect to one another is allegedly not accurate;

(b) with respect to proposed claims 19-22, the Examiner contended that the language of the claims is confusing in that:

(i) in claim 19, the rotated polarization component signals are recombined **after** they follow substantially the same paths, whereas the recitation in the claims would appear to suggest the opposite; and

(ii) in claim 21, the Examiner contended that the use of the terms "polarization rotated optical signal" and "optical signal" is confusing.

Previously presented claims 14-18 have been amended to address the Examiner's objections to these claims, and new claims 19-22 have been introduced after revision to address the Examiner's concerns. It is respectfully submitted that the amended claims and new claims draw clear support from the application as filed, and in particular from Figs. 3 and 4 of the drawings as filed, and that the claims as amended patentably distinguish over Kurata et al. As discussed at the interview and above, Kurata et al does not teach, and in fact teaches away from, the recitations in claims 14-23 with respect to the paths of the orthogonal polarization signals or their relative displacement.

With respect to claims 1-13, the Examiner contends in the Official Action that the transitional term "comprising" negates the effect of the recitation of a "single birefringent element" in the claimed device (i.e., that the device could have more than one birefringent element notwithstanding the recitation "single birefringent element"). Applicants respectfully disagree and point out that, if the device were to comprise

another birefringent element, the recited element would not be a "single" birefringent element as that term is generally defined ("not accompanied by another or others"). Accordingly, Applicants respectfully submit that the recitation "single birefringent element", in and of itself, distinguishes the invention defined in claims 1-13 from the Kurata et al reference, which teaches the need for at least two birefringent elements to effect the necessary spatial separation of the optical signals described therein.

In view of the above, it is respectfully submitted that all rejections and objections of record have been overcome and that the application is now in allowable form. An early notice of allowance is earnestly solicited and is believed to be fully warranted.

Respectfully submitted,

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